

REMARKS

Claims 1-19 are pending in the application. Applicant hereby requests further examination and reconsideration of the application in view of the following remarks.

Claim Rejection – 35 U.S.C. §102

Claims 1-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Matthews, et al. (U.S. Patent No. 6,025,837). Applicant respectfully traverses this rejection.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik BmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1982) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1984)) (emphasis added).

Independent claims 1, 6, 11 and 16 each recite maintenance of “a subset of program information for at least one related program of a given program with program information for the given program.” A related program includes: “episodes of recurring programs, segments of a multi-part program, programs with similar content, and programs related through an intermediate program An example of the last type of relationship could be a program that has content about bears’ feeding habits, including eating salmon. The bear program could be related to a program about stocking fish, including salmon, which is further related to a program about fishing in artificially stocked rivers.” (Specification, page 2, lines 7-13; page 12, line 16 to page 13, line 15).

By contrast, the Matthews reference fails to disclose, teach or suggest maintenance of “a subset of program information for at least one related program of a given program with program information for the given program.” The Examiner refers to column 9, line 56 to column 10, line 13 of the Matthews reference as disclosing maintenance of a subset of program information for at least one related program. This passage reads:

The EPG UI 110 also includes hyperlinks 140 integrated as part of the grid. The hyperlinks are supplied with the program records received from the headend 22. These hyperlinks can be inserted into the channel tiles 122, program tiles 124, or the description window 128. In the FIG. 5 illustration, the hyperlink "More" is provided in the description window 128 to reference target resources that contain additional information about this episode of the Seinfeld show. Other Hyperlinks in the description window 128 include "Last Week" which references a target resource containing information on the previous week episode, and "comedy club" which links to a target resource having video coverage of comedian Jerry Seinfeld performing at night clubs. The target resources referenced by the hyperlinks might be located at the headend (FIG. 1 implementation), or at an independent service provider (FIG. 3 implementation). The target resource might further be located locally, having been pre-cached by the system. For instance, the system might pre-cache supplemental information about certain shows before they air based on predictive viewing tendencies, or as part of a promotional data broadcast advertising the show. This permits local interactive functionality between the viewer and viewer computing unit, in addition to full network interactive functionality between the viewer and the program provider.

Matthews column 9, line 56 to column 10, line 13 (emphasis added). However, this "additional information about this episode" in the Matthews reference does not include maintaining program information for a related program; instead the program information provides "supplemental information" about the selected program itself. The scope of this supplemental information, accessible through the hyperlinks, is described in the Matthews reference at FIG. 1 and column 7, lines 16 through 21. This passage reads:

Examples of possible supplemental content include interactive questions or games related to the program, additional trivia on the movies or TV shows, advertisements, available merchandise or other memorabilia, Web pages to programs of similar type or starring the same actors/actresses, and so on.

Matthews column 7, lines 16 through 21. The "hyperlinks" in the Matthews reference are provided for the purpose of helping a viewer to identify Web sites associated with a particular program. This is described in the Matthews reference column 4, lines 59-65. This passage reads:

By integrating the hyperlinks within the EPG UI, the viewer can readily identify supplemental information to the programs and access that information directly from the EPG. The viewer no longer needs to remember that there may be a Web site associated with a particular

program or channel, nor is the viewer relegated to surfing the Internet from a separate machine to find any related content.

Matthews column 4, lines 59-67 (emphasis added). This identifies that the purpose of these hyperlinks, in the Matthews reference, is to provide Internet access to Web sites through the EPG, not maintain a subset of information on at least one related program.

Additionally, the Examiner refers to column 8, lines 52-67 of the Matthews reference as disclosing maintenance of a subset of program information for at least one related program. This passage reads:

A channel navigator application 102 is stored in program memory 96 and executes on the processor 92 to control the tuner(s) 98 and 100 to select a desired channel for receiving the video content programs. An EPG application 104 is stored in program memory 96 and executes on the processor 92 to organize programming information downloaded from the EPG server at the headend. The EPG 104 supports a displayable user interface (UI) which visually correlates programs titles to scheduled viewing times and tuning information, such as a channel, as will be described below with reference to FIG. 5. The user interface unit 90 also has a browser 106 which is kept in memory 96 and dynamically loaded on processor 92 when needed to render content, such as a hypertext document, from an ISP or other content provider. The browser can be implemented as a hyperlink browser, or more particularly, as an Internet Web browser.

Matthews, column 8, lines 52-67 (emphasis added). However, this “EPG application” in the Matthews reference does not include maintaining program information for a related program. Instead, it includes organizing “programming information downloaded from the EPG server at the headend” and supporting “a displayable user interface.” In other words, the application 104 in Matthews only inserts the appropriate data records it receives in the appropriate location of the EPG user interface. As discussed above, the “More” hyperlink, which application 104 is responsible for appropriately locating, provides “supplemental information” regarding only the selected program and does not maintain a subset of program information for at least one related program. Thus, a user of the system disclosed in Matthews is not able to retrieve a subset of program information for at least one related program of the given program, as recited in independent claims 1, 6, 11 and 16, and the claims depending therefrom.

Claims 2-5, 7-10, 12-15 and 17-19 are believed to be allowable based on dependence from independent claims 1, 6, 11 and 16. However, the rejections of the dependent claims is respectfully traversed for the following reasons.

Dependent Claim 2 recites “maintaining the program information for the given program, including the subset of program information for the at least one related program, in an electronic program guide.” (emphasis added).

By contrast, the Matthews reference fails to disclose, teach or suggest maintenance of “the subset of program information for the at least one related program....” The Examiner refers to Fig. 5 as illustration for an EPG, and Fig. 4/item 96 for a program memory for maintaining the program information EPG in section 104 of the Matthews reference as disclosing maintenance of a subset of program information for at least one related program. However, column 8, lines 54-57 of the Matthews reference clearly identifies the purpose and function of section 104, this passage reads:

An EPG application 104 is stored in program memory 96 and executes on the processor 92 to organize programming information downloaded from the EPG server at the headend.

Matthews column 8, lines 54-56. Thus, application 104 of the EPG does not maintain a subset of information on at least one related program. Instead, application 104, simply organizes “programming information downloaded from the EPG server at the headend.” Matthews column 8, lines 55-56.

Dependent claim 3 recites “providing information associated with the subset of program information for the at least one related program to a user; obtaining user input based on the information provided; and performing program events based on the user input.”

By contrast, the Matthews reference fails to disclose, teach or suggest “providing information associated with the subset of program information for the at least one related program.” The Examiner refers to Fig. 5, and column 9/line 55 to column 10/line 14 of the Matthews reference as disclosing the providing of information associated with the subset of program information for the at least one related program. The Examiner argues that this is accomplished by the “MORE” 140 hyperlink, the “Last week” hyperlink and

the "Comedy Club" hyperlink of the Matthews reference, which a viewer can access through the EPG.

By integrating the hyperlinks within the EPG UI, the viewer can readily identify supplemental information to the programs and access that information directly from the EPG. The viewer no longer needs to remember that there may be a Web site associated with a particular program or channel, nor is the viewer relegated to surfing the Internet from a separate machine to find any related content.

Matthews column 4, lines 59-67 (emphasis added). This passage recites the providing of hyperlinks to "a Web site associated with a particular program" and not providing information associated with a subset of program information for an at least one related program.

Dependent claim 4 recites "wherein the action of performing program events includes recording the given program and the at least one related program."

By contrast, the Matthews reference fails to disclose, teach or suggest the recording of a given program and the at least one related program. The Examiner refers to Fig. 8/step 216 and column 12/lines 18-29 of the Matthews reference as disclosing the recording of a given program and the at least one related program. This passage reads:

On the other hand, suppose that the time is only 8:00 PM, and the Seinfeld program is not scheduled to start for another hour. In this case (i.e., the "no" branch from step 210), the user interface unit can perform one or two operations. First, the user interface unit can invoke some code to reference a target resource having information on the Seinfeld program (step 214 in FIG. 8). For instance, the instruction might call for invoking the Web browser 106 to render an NBC Web page for information on "Seinfeld." A second operation might be to initiate a routine which will record the program "Seinfeld" when the program begins playing at 9:00 PM (step 216 in FIG. 8)

Matthews column 12, lines 18-29 (emphasis added). However, this "routine which will record the program Seinfeld" in the Matthews reference does not include recording an at least one related program as well. Instead, the "routine" is only enabled to record the given program "Seinfeld" or invoke a Web browser.

Dependent claim 5 recites "wherein the subset of program information is appended to the program information for the given program".

By contrast, the Matthews reference fails to disclose, teach or suggest appending the subset of program information to the program information for a given program. The Examiner refers to column 9/line 34 to column 10/line 20 of the Matthews reference as disclosing that, "as the user clicks on the program information of the given program, the subset of program information is displaying." However, the "subset of program information" to which the Examiner refers, as described by the Matthews reference column 9, line 34 to column 10, line 20, is either descriptive text about the given program or hyperlinks to Web sites and does not include appending the subset of program information to the program information of the given program.

Dependent claim 7 recites "wherein said program of instructions further includes instructions configured to maintain the program information for the given program, including the subset of program information for the at least one related program, in an electronic program guide (EPG)" (emphasis added).

By contrast, the Matthews reference fails to disclose, teach or suggest maintenance of "the program information for the given program, including the subset of program information for the at least one related program, in an electronic program guide (EPG)". The Examiner refers to Fig. 4 and column 8/lines 20-67 of the Matthews reference as disclosing maintenance of the program information for the given program, including the subset of program information for the at least one related program, in an electronic program guide (EPG). The relevant section of this passage reads:

A channel navigator application 102 is stored in program memory 96 and executes on the processor 92 to control the tuner(s) 98 and 100 to select a desired channel for receiving the video content programs. An EPG application 104 is stored in program memory 96 and executes on the processor 92 to reorganize programming information downloaded from the EPG server at the headend. The EPG 104 supports a displayable user interface (UI) which visually correlates programs titles to scheduled viewing times and tuning information, such as a channel, as will be described below with reference to FIG. 5. The user interface unit 90 also has a browser 106 which is kept in memory 96 and dynamically loaded on processor 92 when needed to render content, such as a hypertext document, from an ISP or other content provider. The browser can be implemented as a hyperlink browser, or more particularly, as an Internet Web browser.

Matthews column 8, lines 52-67. As can be seen from the Matthews reference, FIG. 4 and the written description of column 8, lines 52-67, it is a "program memory 96" which in fact stores a "operating system 101", "channel navigator application 102", "EPG application 104" and a "browser 106" and not the electronic program guide which is maintaining program information for the given program, including the subset of program information for the at least one related program.

Dependent claim 8 recites "providing information associated with the subset of program information for the at least one related program to a user; obtaining user input based on the information provided; and performing program events based on the user input."

By contrast, the Matthews reference fails to disclose, teach or suggest "providing information associated with the subset of program information for the at least one related program." The Examiner refers to Fig. 5, and column 9/line 55 to column 10/line 14 of the Matthews reference as disclosing the providing of information associated with the subset of program information for the at least one related program. The Examiner argues that this is accomplished by the "MORE" 140 hyperlink, the "Last week" hyperlink and the "Comedy Club" hyperlink of the Matthews reference, which a viewer can access through the EPG.

By integrating the hyperlinks within the EPG UI, the viewer can readily identify supplemental information to the programs and access that information directly from the EPG. The viewer no longer needs to remember that there may be a Web site associated with a particular program or channel, nor is the viewer relegated to surfing the Internet from a separate machine to find any related content.

Matthews column 4, lines 59-67 (emphasis added). This passage recites the providing of hyperlinks to "a Web site associated with a particular program" and not providing information associated with a subset of program information for an at least one related program.

Dependent claim 9 recites "a recording device".

By contrast, the Matthews reference fails to disclose such a "recording device". The Examiner refers to Fig. 8/Item 216, and column 9/lines 45-55 of the Matthews reference as disclosing a recording device. However, FIG. 8, step 216 indicates only a

procedure to "initiate recording procedures". Further, the written description of step 216, located at column 12, line 27 of the Matthews reference discloses only "to initiate a routine which will record the program". Additionally, the Examiner refers to column 9, lines 45-55 of the Matthews reference as disclosing a recording device. This passage reads:

by the headend 22 from the EPG server 44. The data maintained in data structure 48 (FIG. 2) is transmitted as program records to the user interface unit and cached in local memory. Data records for upcoming programs can be downloaded on a periodic basis, or alternatively, individual data records for certain programs and channels can be selectively transmitted in response to viewer requests. The EPG 104 inserts the appropriate data records into the EPG UI for display as the viewer maneuvers the focus frame 126 around the grid.

Matthews column 9, lines 45-55 (emphasis added). Nowhere in this Matthews reference is a recording device taught, disclosed or suggested. Instead the cited passage is discussing "data records" for "upcoming" or "certain" programs.

Dependent claim 10 recites "wherein the subset of program information is appended to the program information for the given program".

By contrast, the Matthews reference fails to disclose, teach or suggest appending the subset of program information to the program information for a given program. The Examiner refers to column 9/line 34 to column 10/line 20 of the Matthews reference as disclosing that, "as the user clicks on the program information of the given program, the subset of program information is displaying." However, the "subset of program information" to which the Examiner refers, as described by the Matthews reference column 9, line 34 to column 10, line 20, is either descriptive text about the given program or hyperlinks to Web sites and does not include appending the subset of program information to the program information of the given program.

Claims 11-19 recite "a computer readable medium tangibly embodying a program of instructions implementing the method above" and " a signal tangibly embodied in a propagation medium comprising at least one instruction configured to maintain; in an electronic program guide (EPG), a subset of program information for at least one related program of a given program with program information for the given program; and at least

one instruction configured to perform at least one program event for the given program and, based upon the subset of program information, the at least one related program”.

By contrast, the Matthews reference fails to disclose, teach or suggest maintenance “in an electronic program guide (EPG), a subset of program information for at least one related program of a given program with program information for the given program; and at least one instruction configured to perform at least one program event for the given program and, based upon the subset of program information, the at least one related program”. The Examiner refers to the reasons given in the scope of method and system claims 1-10 for making these rejections. However, these rejections fail for the same reasons as stated for the failure of the rejections of claims 1-10.

Therefore, it is respectfully submitted that a *prima facie* case of anticipation has not been established, and withdrawal of the rejection of claims 1-19 under 35 U.S.C. §102(e) is respectfully requested.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

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